



Docket No.: SON-2967
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koji Tsukimori et al.

Application No.: 10/799,617

Confirmation No.: 8418

Filed: March 15, 2004

Art Unit: 2111

For: EDITING SYSTEM

Examiner: F. M. Zaman

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

This is a Reply Brief under 37 C.F.R. §41.41 in response to the Examiner's Answer mailed on June 23, 2009.

All arguments presented within the Appeal Brief of April 21, 2009 are incorporated herein by reference.

Additional arguments are provided hereinbelow.

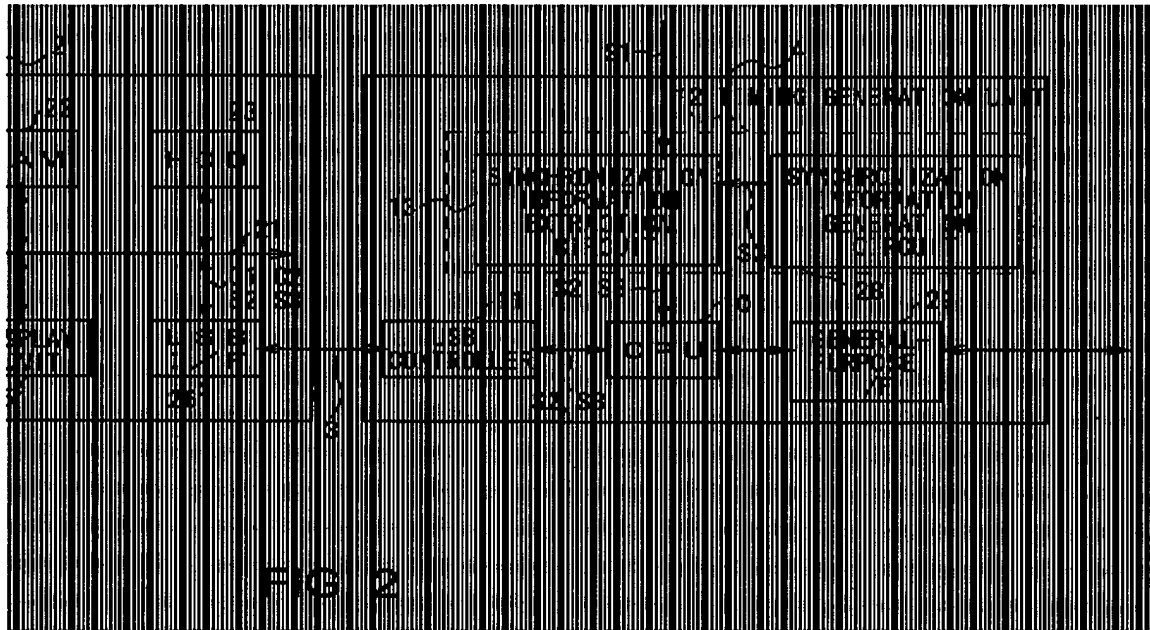
Among others, the following positions were presented in the Examiner's Answer, each of which will be addressed in turn in this Reply Brief:

ARGUMENT

1. *The Examiner erred in rejecting claims 9-36 under 35 U.S.C. §103 as allegedly being unpatentable over the Description of the Related Art (AAPA) and U.S. Patent No. 5,680,596 (Iizuka).*

This rejection is traversed at least for the following reasons.

Figure 2 of the specification as originally filed is provided hereinbelow.



Claims 9-36 - Claims 10-15 are dependent upon claim 9. Claim 9 is drawn to an editing system comprising:

a computer (2) having a computer interface unit (26), said computer interface unit (26) being adapted to transmit an acquisition command (C1) and to receive a timing notice signal (S2, S3); and

a timing notice apparatus (4) having a controller (11) and a timing generation unit (12), said controller (11) being adapted to receive said acquisition command (C1)

and to transmit said timing notice signal (S2, S3), said timing generation unit (12) being adapted to extract frame synchronization information from a reference signal (S1),

wherein said frame synchronization information extracted from said reference signal (S1) is said timing notice signal (S2, S3), and

wherein said timing notice apparatus (4) transmits said timing notice signal (S2, S3) upon receipt of said acquisition command (C1), said timing notice signal (S2, S3) being transmitted according to a predetermined timing of image data.

Claims 16-19 - Claims 17-19 are dependent upon claim 16. Claim 16 is drawn to a computer (2) comprising:

a computer interface unit (26) adapted to transmit an acquisition command (C1) and to receive a timing notice signal (S2, S3),

wherein a timing notice apparatus (4) extracts frame synchronization information from a reference signal (S1), said frame synchronization information extracted from said reference signal (S1) being said timing notice signal (S2, S3), and

wherein said timing notice apparatus (4) transmits said timing notice signal (S2, S3) upon receipt of said acquisition command (C1), said timing notice signal (S2, S3) being transmitted according to a predetermined timing of image data.

Claims 20-22 - Claims 21-22 are dependent upon claim 20. Claim 20 is drawn to a timing notice apparatus (4) comprising:

a controller (11) adapted to receive an acquisition command (C1) and to transmit a timing notice signal (S2, S3); and

a timing generation unit (12) adapted to extract frame synchronization information from a reference signal (S1), said frame synchronization information extracted from said reference signal (S1) being said timing notice signal (S2, S3),

wherein said controller (11) transmits said timing notice signal (S2, S3) upon receipt of said acquisition command (C1), said timing notice signal (S2, S3) being transmitted according to a predetermined timing of image data.

Figure 4A and 4B of the specification as originally filed are provided hereinbelow.

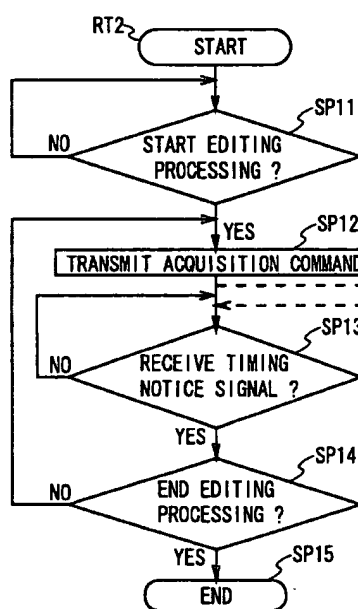


FIG. 4 B

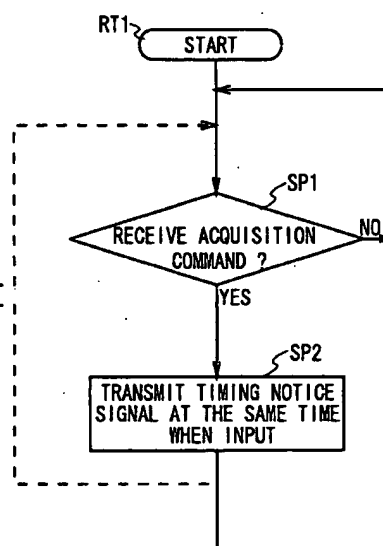


FIG. 4 A

Claims 23-31 - Claims 24-31 are dependent upon claim 23. Claim 23 is drawn to a method for acquiring timing, the method comprising:

transmitting an acquisition command (C1) from an editing apparatus to a timing notice apparatus (4);

extracting frame synchronization information from a reference signal (S1); and

transmitting a timing notice signal (S2, S3) from said timing notice apparatus (4) to said editing apparatus, said timing notice signal (S2, S3) being transmitted according to a predetermined timing of image data, said frame synchronization information extracted from said reference signal (S1) being transmitted as said timing notice signal (S2, S3),

wherein said timing notice apparatus (4) transmits said timing notice signal (S2, S3) upon receipt of said acquisition command (C1).

Figure 3 of the specification as originally filed are provided hereinbelow.

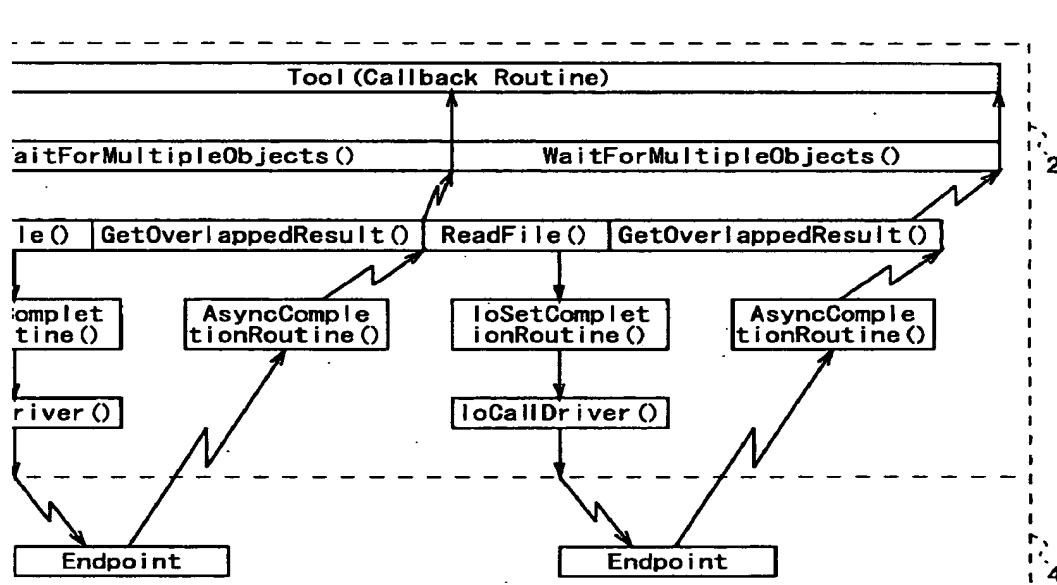


FIG. 3

Claims 32-36 - Claims 33-36 are dependent upon claim 32. Claim 32 is drawn to a computer readable storage medium comprising:

an application program adapted to start processing to acquire a timing notice signal (S2, S3);

an application program interface adapted to generate an acquisition command (C1);
and

a device driver adapted to transmit said acquisition command (C1) and to receive said timing notice signal (S2, S3),

wherein a timing notice apparatus (4) extracts frame synchronization information from a reference signal (S1), said frame synchronization information extracted from said reference signal (S1) being said timing notice signal (S2, S3), and

wherein said timing notice apparatus (4) transmits said timing notice signal (S2, S3) upon receipt of said acquisition command (C1), said timing notice signal (S2, S3) being transmitted according to a predetermined timing of image data.

AAPA - Page 8 of the Examiner's Answer includes a contention that:

Regarding Claims 9, 16, 20, 23, and 32, Appellant argues that "AAPA fails to teach an editing system wherein the frame synchronization information extracted from the reference signal is the timing notice signal." The examiner disagrees. Contrary to Appellant's argument, AAPA does in fact teach this feature. In paragraph 2 under "Description of Related Art", it is stated "*[i]n the conventional editing system, ... a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored ... so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.*" Accordingly, it is clear that AAPA teaches the argued feature.

In response, the specification as originally filed beginning at page 1, line 8 provides that:

In the conventional editing system, in some cases, a personal computer is provided with a reference signal in which frame synchronization information is sequentially

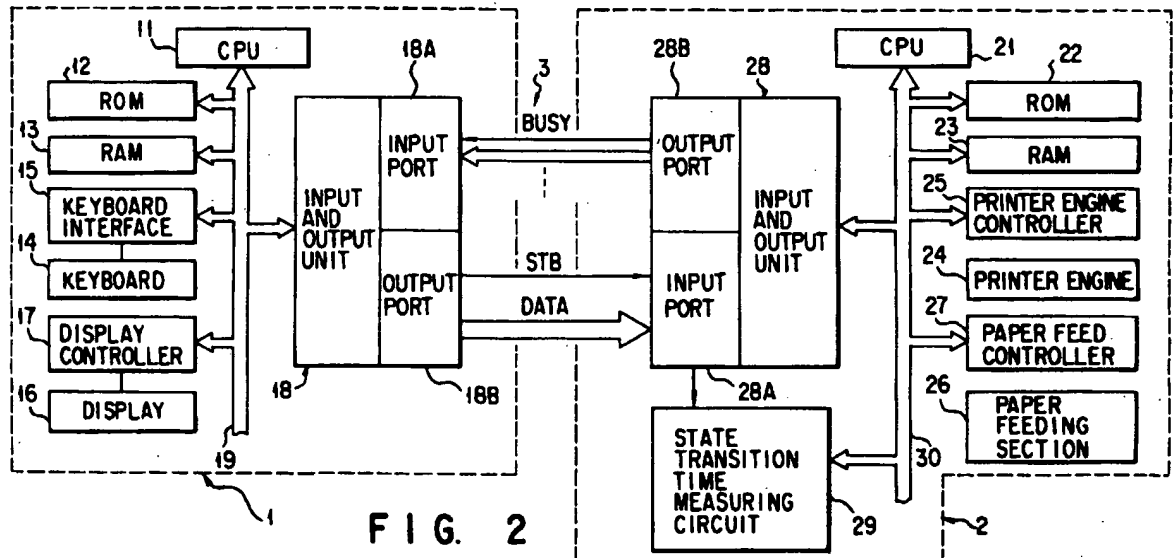
stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.

However, AAPA fails to disclose, teach, or suggest the “*frame timing*” found within the specification for the present application beginning at page 1, line 8 and the “*timing notice signal*” of the claims as being one in the same.

But even if the “*frame timing*” and the “*timing notice signal*” are one in the same:

- Page 4 of the Examiner’s Answer reaffirms, without rebuttal, arguments made within the Appeal Brief by admitting that AAPA fails to teach an editing system that includes a computer having a computer interface unit, the computer interface unit being adapted to transmit an acquisition command and to receive a timing notice signal.
- Page 4 of the Examiner’s Answer reaffirms, without rebuttal, arguments made within the Appeal Brief by admitting that AAPA fails to teach an editing system that includes the controller being adapted to receive the acquisition command and to transmit the timing notice signal.
- Page 4 of the Examiner’s Answer reaffirms, without rebuttal, arguments made within the Appeal Brief by admitting that AAPA fails to teach an editing system wherein the timing notice apparatus transmits the timing notice signal upon receipt of the acquisition command, the timing notice signal being transmitted according to a predetermined timing of image data.

Iizuka - Figure 2 of Iizuka is provided hereinbelow.



The Final Office Action contends that Iizuka discloses the presence of a computer having a computer interface unit (18) adapted to transmit an acquisition command (tuning data request command) and to receive a timing notice signal (tuning data signals) (Final Office Action at page 3).

The Final Office Action further contends that Iizuka discloses the presence of a timing notice apparatus (2) (Final Office Action at page 3).

In response to these contentions, *the timing notice signal* within the claims of the present invention is *frame synchronization information that has been extracted from a reference signal*.

However, the Final Office Action ***fails to show*** where within Iizuka there is to be found a reference signal.

Additionally, the Final Office Action ***fails to show*** where within Iizuka there is to be found that the alleged timing notice apparatus (2) is adapted to extract frame synchronization information from a reference signal.

Furthermore, the Final Office Action *fails to show* that the alleged tuning data signals are frame synchronization information that has been extracted from the reference signal.

Nevertheless, page 4 of the Examiner's Answer contends that in the same field of endeavor (e.g., time synchronization among components in a computer system), Iizuka teaches a computer (Iizuka, Figure 2, item 1) having a computer interface unit (Iizuka, Figure 2, item 18), said computer interface unit being adapted to transmit an acquisition command (Iizuka, Figure 5, item SC7, Column 6, lines 28-31; i.e., the "tuning data request command") and to receive a *timing notice signal* (Iizuka, Figure 5, item SC8, Column 8, lines 31-36; i.e., the "tuning data signals").

In response to this contention, Iizuka arguably discloses that the output port 28B includes an output terminal for outputting the busy signal BUSY and eight output terminals for outputting the tuning data signals or status data signals in parallel (Iizuka at column 4, lines 24-28).

However, Iizuka *fails* to disclose, teach, or suggest the tuning data or the tuning data signals as being frame synchronization information that has been extracted from a reference signal.

Instead, the CPU 21 reads out the count values T1 to T4 latched by the registers 43 to 46 through the system bus 30, and sequentially *supplies the upper four bits and the lower four bits of each count value to the input and output unit 28 as the tuning data* (Iizuka at column 5, lines 5-9).

Thus Iizuka *fails* to disclose, teach, or suggest:

- An editing system that includes a computer having a computer interface unit, the computer interface unit being adapted to transmit an acquisition command and to receive a *timing notice signal*.
- An editing system that includes the controller being adapted to receive the acquisition command and to transmit the *timing notice signal*.

- An editing system wherein the timing notice apparatus transmits the timing notice signal upon receipt of the acquisition command, the timing notice signal being transmitted according to a predetermined timing of image data.

CONCLUSION

The prior art of record fails to disclose, teach or suggest all the features of the claimed invention. For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. For at least the reasons set forth hereinabove, the rejection of the claimed invention should not be sustained.

Therefore, a reversal of the rejection of December 16, 2008 is respectfully requested.

If any additional fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: July 21, 2009

Respectfully submitted,

By 

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